

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
:FINAL DECISION AND ORDER  
:  
PAUL WIGGINS. :  
MALCOLM OF LONDON D/B/A : LS070911014BAC  
KWOFF. :  
:  
RESPONDENTS. :

[Division of Enforcement Case File #'s: 04 BAC 012, 04 BAC 050, 04 BAC 051]

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Paul Wiggins  
Malcolm of London d/b/a Kwof  
204 West Silver Spring Drive  
Glendale, WI 53217

Malcolm of London d/b/a Kwof  
204 West Silver Spring Drive  
Glendale, WI 53217

Barbering and Cosmetology Examining Board  
P.O. Box 8935  
Madison, WI 53707-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

**PROCEDURAL HISTORY**

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

**FINDINGS OF FACT**

1. Malcolm of London d/b/a Kwof (“Malcolm of London”) is duly licensed as a barbering and cosmetology establishment in the State of Wisconsin having license #080 0033455. This license was granted on 09/27/05.
2. Malcolm of London’s most recent address on file with the Department of Regulation and Licensing (“Department”) is: 204 West Silver Spring Drive, Glendale, Wisconsin 53217.
3. Paul Wiggins, date of birth: 09/08/65, is listed as the owner of Malcolm of London. Department records indicate that Mr. Wiggins is duly licensed as a barbering and cosmetology practitioner in the State of Wisconsin having license #082 69807. This license was first granted on 02/12/90.

4. Mr. Wiggins's most recent business address on file with the Department is: 204 West Silver Spring Drive, Glendale, Wisconsin 53217.

5. At the time of the allegations listed below, Mr. Wiggins and Malcolm of London were and are at all times relevant to this action responsible for compliance with Wisconsin Statutes, Chapter 454. All respondents are also responsible for compliance with Wisconsin Administrative Code, sections BC 2, 3, and 6.

6. On or about February 19, 2004, the Department received a consumer complaint alleging that a price list of services was not posted. The consumer alleged that the activity took place at 204 West Silver Spring Drive, Glendale, Wisconsin 53217. The case was subsequently opened for investigation.

7. On or about June 16, 2004, the Department received two complaints from the Department of Workforce Development, Bureau of Apprentice Standards ("DWD"). The complaints alleged that apprentices had been charged for education, training, equipment, and other miscellaneous expenses. Both complaints allege that the activity took place at the address of 204 Silver Spring Drive, Glendale, Wisconsin 53217. Both cases were subsequently opened for investigation.

8. On or about September 22, 2005, an investigator from the Department made an unannounced inspection of Malcolm of London. The Department's investigation noted that a price list at the time of inspection was posted.

9. The September 22, 2005 inspection revealed that Malcolm of London was operating without an establishment license. At the time of the September 22, 2005 inspection, the Department's investigation revealed that a change of ownership had occurred at Malcolm of London; however, the Department had not been notified of such a change. Department records indicate that an establishment license was issued for Malcolm of London shortly after the investigation on September 27, 2005.

10. The September 22, 2005 inspection also revealed that Mr. Wiggins' practitioner's license had been expired since July 8, 2005. Department records indicate that Mr. Wiggins' practitioner's license was placed into active status on September 27, 2005.

11. The Department's investigation revealed that at least six apprentices were charged for education, training, equipment, and other miscellaneous expenses to participate in the apprenticeship training program. Fees charged to apprentices ranged from \$2,300.00-\$3,500.00.

12. Malcolm of London, d/b/a Kwof, and Mr. Wiggins had employed a licensed manager, Scott Yance, whose duties included maintaining compliance with all regulatory matters and supervising the apprenticeship program. Mr. Yance signed all of the relevant apprenticeship contracts. Mr. Yance was paid substantial compensation over and above any commission on his production as a licensed practitioner.

13. To date, all of the apprentices who could be located have received refunds of fees that were paid into the apprenticeship training program conducted at 204 West Silver Spring Drive, Glendale, Wisconsin. The majority of apprentices employed by Malcolm of London, d/b/a Kwof, following their apprenticeships have achieved above average compensation as licensed practitioners.

14. In resolution of this matter, Paul Wiggins and Malcolm of London d/b/a Kwof consent to the following Conclusions of Law and Order.

### **CONCLUSIONS OF LAW**

1. The Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 454.15.

2. The Barbering and Cosmetology Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

3. Respondent Paul Wiggins has violated:

Wis. Stat. § 454.04(1)(a) and Wis. Admin. Code § BC 2.04 (1) by practicing with an expired barbering and cosmetology practitioner's license for a two month period.

4. Respondents Paul M. Wiggins and Malcolm of London d/b/a Kwof have violated:

- a. Wis. Stats. §§ 454.08(1)(b); 454.15(2)(c)(i); Wis. Admin. Code §§ BC 2.04(1); 2.045(1); 3.01(1); 3.06(1) by operating a barbering and cosmetology establishment for at least a one year period without first notifying the Department of a change in ownership and obtaining the proper establishment license for the new establishment; and
- b. Wis. Admin. Code § BC 6.02 by charging apprentices fees/tuitions to attend trade school and other any other incidentals when the establishment is responsible for paying for such costs.

### **ORDER**

**NOW THEREFORE, IT IS HEREBY ORDERED** that the attached Stipulation is hereby accepted.

#### **A. DISCIPLINARY ACTION AGAINST INDIVIDUAL LICENSES**

**IT IS FURTHER ORDERED** that Respondent Malcolm of London d/b/a Kwof, license number 080-0033455 is hereby **REPRIMANDED** for the conduct set forth above.

**IT IS FURTHER ORDERED** that Respondent Paul Wiggins, license number 082-0069807 be and hereby is, **SUSPENDED** for a total of thirty (30) days, commencing on the following dates:

October 21, 2007 through and including November 4, 2007; and

January 6, 2008 through and including January 20, 2008.

During the periods of suspension, Respondent Paul Wiggins shall cease and desist from any and all conduct, activity and services as a barbering and cosmetology practitioner as defined in Wis. Stat. § 454.01(5) in the State of Wisconsin during such period of suspension although he may continue to perform the administrative functions related to his ownership of Malcolm of London, d/b/a Kwof.

#### **B. DISCIPLINARY ACTION INVOLVING APPRENTICES**

**IT IS FURTHER ORDERED** that that Respondents Paul Wiggins, Malcolm of London d/b/a Kwof shall not employ any new apprenticeships for a period of one year from the date of this Order, per Department of Workforce Development standards.

**IT IS FURTHER ORDERED** that any licensed apprentices that were indentured at Malcolm of London d/b/a Kwof preceding the date of this Order shall be granted any and all hours of training and experience that he/she has received while indentured to the salon. The hours shall be verified by the Department of Regulation and Licensing and Department of Workforce Development.

#### **C. DISCIPLINARY ACTION INVOLVING PAYMENT OF FORFEITURE AND COSTS**

**IT IS FURTHER ORDERED**, that Respondents Paul Wiggins and Malcolm of London d/b/a Kwof shall jointly and severally pay forfeiture in the amount of **TWO THOUSAND DOLLARS (\$2,000.00)**.

**IT IS FURTHER ORDERED**, that Respondents Paul Wiggins and Malcolm of London d/b/a Kwof shall jointly and severally pay costs in the amount of **THREE THOUSAND DOLLARS (\$3,000.00)**.

**IT IS FURTHER ORDERED** that payments of **FIVE HUNDRED DOLLARS (\$500.00)** shall be made every nine days from the date of this Order until the full **FIVE THOUSAND DOLLARS (\$5,000.00)** is paid. Payments shall be made by **certified check or money order**, payable to the Wisconsin Department of Regulation and Licensing and sent to:

**Department Monitor  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 261-7904  
Fax (608) 266-2264**

**IT IS FURTHER ORDERED**, that in the event that Respondents Paul Wiggins, and Malcolm of London d/b/a Kwof fail to timely submit payment of the costs as set forth above, Paul Wiggins (# 082-0069807) and Malcolm of London d/b/a Kwof (#80-0033455) shall be **REVOKED** without further hearing and without further Order of the Board, and said revocation shall continue until the full amount of said costs has been paid to the Department of Regulation and Licensing and their failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that files, **04 BAC 012, 04 BAC 050, and 04 BAC 051** be, and hereby are, closed as to Paul Wiggins and Malcolm of London d/b/a Kwof.

Dated this 10<sup>th</sup> day of September, 2007.

**WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD**

By: Jeannie M. Bush